

## **IC 16-23.5-2**

### **Chapter 2. Medical Center Development Agencies**

## **IC 16-23.5-2-1**

### **Medical center development agency; creation**

Sec. 1. The board of commissioners of a county may create a medical center development agency as a public agency and instrumentality of the county to be known as the \_\_\_\_\_ County Medical Center Development Agency.

*As added by P.L.2-2007, SEC.191.*

## **IC 16-23.5-2-2**

### **Medical center development agency; appointments**

Sec. 2. (a) The board of commissioners of the county may appoint in writing five (5) residents of the county as members of the executive board of the agency. Original appointments to the executive board must be made in the following manner:

- (1) One (1) member for a term of two (2) years.
- (2) Two (2) members for a term of three (3) years.
- (3) Two (2) members for a term of four (4) years.

(b) The county council may appoint in writing two (2) residents of the county as members of the executive board. Original appointments to the executive board must be made in the following manner:

- (1) One (1) member for a term of two (2) years.
- (2) One (1) member for a term of four (4) years.

(c) All persons subsequently appointed serve a term of four (4) years. A person may be reappointed for a subsequent term or terms. If a member of the executive board who was appointed by the board of commissioners dies, resigns, is removed, or ceases to be a resident of the county, the board of commissioners shall appoint another qualified person to fill the remainder of the unexpired term. If a member of the executive board who was appointed by the county council dies, resigns, is removed, or ceases to be a resident of the county, the county council shall appoint another qualified person to fill the remainder of the unexpired term.

(d) Persons appointed to the executive board must be knowledgeable and interested in the community health and medical care needs of the county and other areas of concern related to the development of a county medical center. However, only two (2) of the five (5) board members who are appointed under subsection (a) may be medical practitioners, administrators of a medical or health facility in the county, or on the faculty of a medical institution in the county.

(e) A member of the executive board may be removed from office for neglect of duty, incompetence, inability to perform the member's duties, or any other good cause by an order of the circuit court in the county in which the agency is located, subject to the following procedure:

- (1) A complaint may be filed by any person against the member

setting forth the charges preferred.

(2) The cause shall be placed on the advanced calendar and tried as other civil causes are tried by the court without a jury.

(3) If the charges are sustained, the court shall declare the office and term vacant.

(4) A change of venue from the judge may be granted upon motion, but a change of venue from the county may not be taken.

*As added by P.L.2-2007, SEC.191.*

### **IC 16-23.5-2-3**

#### **Medical center development agency; executive board; meetings; bylaws; quorum**

Sec. 3. (a) Executive board members originally appointed shall meet to organize within thirty (30) days after their appointment at a time and place designated by the board of commissioners. The executive board may elect from among their number the officers that are considered necessary for the conduct of business, but including at a minimum a president and vice president. The terms of office must be established by rules, regulations, or bylaws.

(b) Executive board members may adopt the bylaws, rules, and regulations that they consider necessary to carry out the powers and duties imposed upon the agency by this chapter. The rules, regulations, and bylaws are public records, and a copy of them must be available at all reasonable times in the circuit court clerk's office for inspection by the public.

(c) In addition to the organizational meeting, other regular and special meetings must be held at the times and with notice that the executive board fixes. A majority of the members constitutes a quorum, and the concurrence of a majority of the full membership is necessary to authorize any action. Board members serve without pay but are entitled to reimbursement for necessary expenses in amounts that are approved by the board of commissioners and the county council.

*As added by P.L.2-2007, SEC.191.*

### **IC 16-23.5-2-4**

#### **Fiscal officer; powers of county treasurer**

Sec. 4. The county treasurer shall act as the fiscal officer for the agency without additional compensation. The treasurer shall receive all funds provided for the agency and deposit the funds in a separate account. The funds shall be paid out on an order of the executive board by the treasurer after any necessary approvals stipulated in this chapter.

*As added by P.L.2-2007, SEC.191.*

### **IC 16-23.5-2-5**

#### **Contracts; prohibition of pecuniary interest of board members**

Sec. 5. An executive board member may not have a pecuniary interest in any contract, employment, purchase, or sale made under

this chapter. A transaction made in which a member has such an interest is void, and the member is subject to removal as provided in this chapter.

*As added by P.L.2-2007, SEC.191.*

#### **IC 16-23.5-2-6**

##### **Executive board powers; actions in compliance with statewide plan**

Sec. 6. The executive board must act in accordance with any statewide plan for medical education directed by the general assembly.

*As added by P.L.2-2007, SEC.191.*

#### **IC 16-23.5-2-7**

##### **Executive board powers and duties; generally**

Sec. 7. The executive board has the following powers and duties:

(1) To devise a comprehensive plan for the development of a medical center within the county. The comprehensive plan must be recommended to and approved by the board of commissioners and the county council, if applicable, but only after the plan has been reviewed at one (1) or more public hearings within the county. The plan shall be developed through:

- (A) consultation with the respective local plan commissions;
- (B) surveys of existing public and private medical facilities;
- (C) studies of land use plans for the county;
- (D) identification of countywide medical or health services that are deficient and that could be provided by a medical center;
- (E) identification of sources of medical, paramedical, and other personnel to staff or augment the staff of a medical center; and
- (F) study and identification of any other pertinent factors, problems, and needs to be resolved within the plan.

(2) To hire or contract with qualified persons to assist the board in carrying out the executive board's powers and responsibilities. The executive board may hire a director who may hire qualified persons or contract with them with the approval of the executive board. The number of persons hired, their compensation, and the terms of contracts are subject to review in advance by the county council, who may alter the contracts and fix the number of the persons and their compensation.

(3) To apply for, receive, and expend federal, state, private, local, or other funds that may be made available for the purposes of the agency and to meet any conditions that may be attached to the expenditure of funds, all with the prior approval of the county council, and subject to all state statutes and regulations governing them. The county council may appropriate to the agency the proceeds of a tax levied to fund a medical center cumulative building fund or equivalent fund

established under statute.

(4) To inform the board of commissioners, county council, and other interested parties at least once every three (3) months of the progress of plans for development, construction, or improvement of medical center facilities.

(5) To make and enter into all contracts and agreements necessary or incidental to the performance of the duties and execution of powers provided in this chapter on behalf of the county, with the approval of the county council.

*As added by P.L.2-2007, SEC.191.*

#### **IC 16-23.5-2-8**

##### **Executive board powers and duties; compliance with comprehensive plan for development of a medical center**

Sec. 8. After approval of and in compliance with the comprehensive plan for development of a medical center, the executive board of the agency has the following powers and duties:

(1) To condemn, appropriate, purchase, and hold any real estate needed or useful in connection with a building or buildings constructed or to be constructed for the purposes of this chapter, on behalf of the county, all with the prior approval of the board of commissioners and the county council.

(2) To design, order, contract for, and have constructed, or to make all necessary and desirable improvements in, facilities for use as a medical center, all with the approval of the county council.

(3) To provide for the equipment of the medical center and any appurtenant facilities, with the approval of the county council.

(4) To do all things with respect to its assigned responsibilities and jurisdiction that may additionally be required by the county council, both before and after adoption of the comprehensive plan.

(5) To develop annual budgets to be submitted to the county council for inclusion in the county budget.

*As added by P.L.2-2007, SEC.191.*

#### **IC 16-23.5-2-9**

##### **Comprehensive plan for development of a medical center; procedures for adoption or rejection of plan;**

Sec. 9. (a) The comprehensive plan must be proposed to the board of commissioners. The board of commissioners may, upon receipt of the plan, reject the plan or direct its amendment by ordinance or resolution.

(b) The comprehensive plan may be officially adopted only by ordinance or resolution of the board of commissioners and approval by the county council. After official adoption, the agency shall implement the plan under the general guidance and approval of the board of commissioners and county council.

(c) Rejection of all or any part of a comprehensive plan by the board of commissioners is not a final rejection, but the agency may

propose additional comprehensive plans to the board of commissioners for further action under this chapter.

*As added by P.L.2-2007, SEC.191.*

#### **IC 16-23.5-2-10**

##### **Restriction on powers of the agency**

Sec. 10. This chapter does not give the agency the power to levy taxes or issue bonds or confer upon the agency the status of a municipal corporation. The agency may act only on behalf of the county, as approved by the board of commissioners or county council under this chapter, and is considered to be an administrative instrumentality of the county.

*As added by P.L.2-2007, SEC.191.*